

REMARKS

This Response is made to the final Office Action dated May 5, 2005. Claims 1-48 are pending in this application. Of these claims, claims 6, 9-14, 21-28, 30, and 36-48 have been withdrawn in view of a previous restriction and election of species requirement. Applicants have carefully reviewed the arguments presented in the Office Action and respectfully request reconsideration of the claims in view of the remarks presented below.

The Examiner has rejected claims 1, 3, 4, 5, 7, 15, 18, 19, 20, 29, 31 and 34 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,473,067 to Schiff (the "Schiff patent"). The Examiner also has rejected claims 1, 3, 4, 5, 15, 18, 19, 20, 29, 33, 34, and 35 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,159,198 to Gardeski et al. (the "Gardeski patent"). The Examiner believes that both of these patents disclose a sheath having a resealable longitudinal joint. However, Applicants strongly disagree with the Examiner's position as both patents fail to mention or even remotely suggest such a feature. The Examiner merely states in the Office Action that "almost anything can be resealable." However, the Examiner fails to identify how the sheaths in the Schiff or Gardeski patents are, or could be, resealed. Applicants note that after the sheaths of the Schiff patent and Gardeski patent are split, a pair of straight edges are created which extend apart from each other. Both the Schiff patent and Gardeski fail to disclose how these edges could be joined to create the resealable joint. Absent the use of an adhesive or heat bonding, which is not disclosed in either patent, it is not known how these edges could be sealed to each other. At best, the edges in the Schiff and Gardeski patents would simply abut against each other; however, this does not create a resealable joint. Therefore, Applicants submit that the presently claimed invention is not disclosed in the Schiff or Gardeski patents. Accordingly, Applicants respectfully request the Examiner to withdraw the Schiff and Gardeski patents as anticipatory references.

Claims 2 and 8 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the Schiff patent. These dependent claims depend from independent claim 1. For at least

the reason addressed above with respect to claim 1, the particular combination of elements recited in the dependent claims is not shown in the Schiff patent or the Gardeski patent. Allowance of these dependent claims is respectfully requested.

Applicants note that the Examiner has failed to provide a basis for rejecting claim 32. The particular structure recited in claim 32 is not disclosed in either the Schiff or Gardeski patents, or result from a combination of these two patents. Therefore, this claim should be allowed or, at the very least, Applicants should be provided with the basis for rejection and provided with an opportunity to address the grounds for rejection.

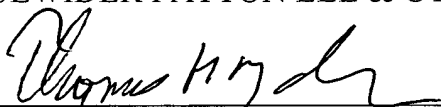
In view of the foregoing, it is respectfully urged that all of the present claims of the application are patentable and in a condition for allowance. The undersigned attorney can be reached at (310) 824-5555 to facilitate prosecution of this application, if necessary.

In light of the above remarks, Applicants respectfully request that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

FULWIDER PATTON LEE & UTECHT, LLP

By: _____



Thomas H. Majcher

Registration No. 31,119

THM:gbr

Howard Hughes Center
6060 Center Drive, Tenth Floor
Los Angeles, CA 90045
Telephone: (310) 824-5555
Facsimile: (310) 824-9696
Customer No. 24201

94543.1